

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

-----X
RODGER LECK,

Plaintiff,

CIVIL ACTION No.: 20-cv

vs.

NOTICE OF REMOVAL

PETER KIBUNJA, MSAFIRI ENTERPRISES INC.,
JOHN and JANE DOES 1-10 (fictitious unidentified
individuals) AND ABC CORPORATIONS 1-10,
(fictitious individuals, corporations or other business
entities presently unidentifiable)

Defendants.
-----X

TO: Matthew V. Villani, Esq.
Gelman, Gelman, Wiskow & McCarthy, LLC
150 Morristown Road, Suite 103
Bernardsville, NJ 07924

PLEASE TAKE NOTICE, that on this date, defendants PETER KIBUNJA and MSAFIRI ENTERPRISES INC. by their undersigned counsel, have filed this Notice of Removal pursuant to 28 U.S.C. §1446(a), in the office of the Clerk of the United States District Court for the District of New Jersey.

1. Plaintiff RODGER LECK brought a lawsuit against defendants PETER KIBUNJA and MSAFIRI ENTERPRISES INC. (and fictitious-named defendants) by filing a Complaint and Jury Demand in the Superior Court of the State of New Jersey, Law Division, Morris County on October 16, 2020 as a result of an alleged accident which occurred on March 10, 2020. A copy of the Complaint is annexed hereto as Ex A.

2. Upon information and belief, the Summons and Complaint were received by PETER KIBUNJA on November 6, 2020.

3. Upon information and belief, the Summons and Complaint were received by MSAFIRI ENTERPRISES INC. on November 6, 2020.

4. There have been no other proceedings in this action.

5. According to the plaintiff's complaint (Ex. A), the plaintiff purports to be a citizen and resident of the State of New Jersey, residing in the Bedminster, and County of Somerset.

6. Defendant MSAFIRI ENTERPRISES INC. is a corporation incorporated in the State

of Maryland and maintains its principal place of business in Silver Spring, Maryland.

7. Defendant PETER KIBUNJA is a resident of the State of Maryland, residing in the City of Clinton.

8. In the First Count, 4th paragraph and Second Count, 4th paragraph of the plaintiff's Complaint, it is alleged that plaintiff RODGER LECK suffered severe and permanent injuries, suffered and will in the future suffer great pain and distress, was and will be required to curtail his usual activities and pursuits, has and will incur lost wages and medical expenses. Ex. A.

9. Based upon the language set forth in the plaintiff's Complaint, the matter in controversy exceeds \$75,000, exclusive of interest and costs. *Please see* Ex. A.

10. Jurisdiction over the subject matter of this action is conferred on this Court by 28 U.S.C. §1441(a).

11. Jurisdiction in this Court is proper pursuant to 28 U.S.C. §1332 and 28 U.S.C. §1441 in that the parties are of complete diversity of citizenship, the amount in controversy exceeds \$75,000 exclusive of interest and costs.

12. This Notice is filed with this Court within 30 days of defendants' receipt "through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based," as provided by 28 USC §1446(b).

PLEASE TAKE FURTHER NOTICE, that the defendants, upon filing the Notice of Removal in the office of the Clerk of the United States District Court for the District of New Jersey, have also filed copies of the Notice with the Clerk of the Superior Court of New Jersey, Law Division, Morris County Courthouse, 56 Washington St, Morristown, NJ 07960, to effect removal of this action to the United States District Court pursuant to 28 U.S.C. §1446(b).

Dated: December 4, 2020

LAW OFFICES OF LORNE M. REITER, LLC
Attorneys for defendants
PETER KIBUNJA and MSAFIRI ENTERPRISES
INC.
124 First Avenue
Atlantic Highlands, New Jersey 07716

Lorne M. Reiter

BY:

LORNE M. REITER

EX. A

Matthew V. Villani – Attorney ID No.: 026452007
 Gelman, Gelman, Wiskow & McCarthy, LLC
 150 Morristown Road, Suite 103
 Bernardsville, NJ 07924
 (862)263-0770
 Attorneys for plaintiff

Rodger Leck	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION: MORRIS COUNTY
Plaintiff,	:	
	:	
vs.	:	DOCKET NO.: MRS-L-
	:	
Peter Kibunja, Msafiri Enterprises Inc.,	:	CIVIL ACTION
JOHN and JANE DOES 1-10 (fictitious	:	
unidentified individuals) AND ABC	:	COMPLAINT, JURY DEMAND,
CORPORATIONS 1-10, (fictitious	:	DESIGNATION OF TRIAL COUNSEL ,
individuals, corporations or other business	:	DISCOVERY REQUESTS UPON
entities presently unidentifiable)	:	DEFENDANTS, AND REQUEST FOR
	:	ADMISSIONS
Defendants.	:	

Plaintiff, Rodger Leck, residing at 11 Cortland Lane, Bedminster, New Jersey, by way of
 Complaint against the defendants says:

FIRST COUNT

1. On or about March 10, 2020, the Plaintiff, Rodger Leck, was operating a vehicle on I-287 at or near mile marker 35.4 in or near Morristown, New Jersey.
2. On the same date and at the same time, Defendant, Peter Kibunja was the operator of a vehicle owned by the Defendant, Msafiri Enterprises Inc., which was traveling at or near the aforementioned location.
3. On the above mentioned date and the above mentioned place, defendants owned, maintained, entrusted, inspected and/or operated their motor vehicle in such a careless, reckless and negligent manner as to cause their motor vehicle to collide with the motor vehicle operated and occupied by the Plaintiff.

4. As a direct and proximate result of the aforesaid negligence of the Defendants, the Plaintiffs suffered severe and permanent injuries, suffered and in the future will suffer great pain and distress, was and will be required to curtail their usual activities and pursuits, has and will incur lost wages and medical expenses.

5. This action is not barred by N.J.S.A. 39:6A-1, et seq.

WHEREFORE, plaintiff demands judgment against the defendants for damages, interest and costs of this action.

SECOND COUNT

1. Plaintiff repeats and realleges the allegations of the prior Count as though set forth at length herein.

2. Defendants, John and Jane Does 1-10 and ABC Corporations 1-10, are theretofore unidentified individuals and business entities named herein for the express purpose of tolling the applicable statute of limitations.

3. On the same date, defendants, and each of them, so carelessly, recklessly and negligently caused a motor vehicle to strike the motor vehicle operated and occupied by the Plaintiff.

4. As a direct and proximate result of the negligence of the Defendants, the Plaintiff suffered severe and permanent injuries, suffered and in the future will suffer great pain and distress, was and will be required to curtail their usual activities and pursuits, has and will incur lost wages and medical expenses.

5. This action is not barred by N.J. Stat. 39:6A-1, et seq.

WHEREFORE, Plaintiff demands judgment against the Defendants for damages, interest and costs of this action.

JURY DEMAND

Plaintiff demands a trial by jury of all issues so triable.

CERTIFICATION

The undersigned certifies that the above matter is not the subject of any other action, suit or arbitration proceeding pending or contemplated.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, the firm of Gelman, Gelman, Wiskow & McCarthy, LLC attorneys for Plaintiff, hereby appoint **MATTHEW V. VILLANI** as trial counsel.

Gelman, Gelman, Wiskow & McCarthy, LLC
Attorneys for Plaintiff

BY: 

MATTHEW V. VILLANI

DATED: October 14, 2020

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

-----X
RODGER LECK,

Plaintiff,

CIVIL ACTION No.: 20-cv

vs.

PETER KIBUNJA, MSAFIRI ENTERPRISES INC.,
JOHN and JANE DOES 1-10 (fictitious unidentified
individuals) AND ABC CORPORATIONS 1-10,
(fictitious individuals, corporations or other business
entities presently unidentifiable)

CERTIFICATION OF SERVICE

Defendants.
-----X

LORNE M. REITER, ESQ. certifies as follows:

1. I am an attorney duly admitted to practice before this Honorable Court, and I hereby affirm the truth of the following statements under the penalty of perjury.

2. I am a member with the law firm of LAW OFFICES OF LORNE M. REITER, LLC, attorneys for the defendants PETER KIBUNJA and MSAFIRI ENTERPRISES INC. and, as such, I am fully familiar with the facts set forth herein.

3. On this date, I served a copy of the within Notice of Removal upon the plaintiff in this action by mailing same via First Class Mail from 124 First Avenue, Atlantic Highlands, New Jersey 07716 addressed to the plaintiff's attorney, Matthew V. Villani, Esq., Gelman, Gelman, Wiskow & McCarthy, LLC, 150 Morristown Road, Suite 103, Bernardsville, NJ 07924 and through e-filing on the New Jersey State Court website.

4. Further, on this date, I caused a copy of the Notice of Removal to be filed with the Clerk of the Superior Court of New Jersey, Law Division, Morris County, 56 Washington St, Morristown, NJ 07960.

5. Pursuant to 28 U.S.C. §1746, I affirm under penalty of perjury that the foregoing is true and correct.

Dated: December 4, 2020

LAW OFFICES OF LORNE M. REITER, LLC
Attorneys for defendants
Peter Kibunja and Msafiri Enterprises Inc.
124 First Avenue
Atlantic Highlands, New Jersey 07716

BY: *Lorne M. Reiter*

LORNE M. REITER